



05 JAN 2007

Basell USA Inc.
Intellectual Property
912 Appleton Road
Elkton, Maryland 21921

In re Application of
PELLICONI et al. :
Application No.: 10/518,882 :
PCT No.: PCT/EP03/06097 :
Int. Filing Date: 11 June 2003 : DECISION
Priority Date: 26 June 2002 :
Atty. Docket No.: MI 6029 (US) :
For: IMPACT-RESISTANT POLYOLEFIN :
COMPOSITIONS :

This decision is issued in response to applicant's "Request to Correct Official Filing Receipt" dated 31 October 2005 and applicant's "Petition under 37 CFR 1.53 to Correct Official Filing Receipt" dated 15 November 2006. No petition fee is due.

BACKGROUND

On 11 June 2003, applicant filed international application PCT/EP03/06097 which claimed a priority date of 26 June 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 January 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 26 December 2004.

On 20 December 2004, applicant filed a Transmittal Letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *among others*, the requisite basic national fee; a copy of the international application; and a declaration (in compliance with 37 CFR 1.497) previously submitted in the international application under PCT Rule 4.17(iv).

On 06 June 2005, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 08 June 2005, applicant filed "Letter Regarding Missing Requirements under 35 U.S.C. 371" which included a copy of the PCT Request executed by the applicant/inventors.

On 23 August 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification of Acceptance of Application under 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903) which set forth the date of receipt 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) requirements as 08 June 2005 and a 35 U.S.C. 371 completion date of 08 June 2005.

On 31 October 2005, applicant filed "Request to Correct Official Filing Receipt."

On 15 November 2006, applicant filed "Petition under 37 CFR 1.53 to Correct Official Filing Receipt."

DISCUSSION

Applicant requests a corrected filing date (or 371(c) date) from 08 June 2005 to 20 December 2004. The actual filing date of the present application is the international filing date, i.e., 11 June 2003. (See 35 U.S.C. 363) The date in the filing date portion on the filing receipt of a national stage application is the date upon which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage were completed. (See MPEP §1895.01) A review of the application file reveals that the basic national fee, a copy of the international application, and a declaration were filed with the USPTO on 20 December 2004, the date which the requirements set forth in 35 U.S.C. 371(c) for entry into the national stage was completed. Therefore, the correction of the "FILING DATE" on the filing receipt to indicate a date of 20 December 2004 is proper since applicants completed the requirements set forth in 35 U.S.C. 371(c) on 20 December 2004. (See MPEP section 1893.03(b)).

CONCLUSION

Applicant's request for a corrected filing receipt is **GRANTED**.

The Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) mailed on 23 August 2005 is hereby **VACATED**.

The application has an international filing date of 11 June 2003 under 35 U.S.C. 363 and a date of **20 December 2004** under 35 U.S.C. 371(c). This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.



Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: 571-272-3298
Fax: 571-273-0459